

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES O'DELL WALTON,

Plaintiff,

VS.

PAMELA F THOMPSON, *et al*,

Defendant.

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CIVIL ACTION NO. C-07-289

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DENY PLAINTIFF'S
MOTION TO PROCEED *IN FORMA PAUPERIS*
AND TO DISMISS ACTION**


On July 13, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that plaintiff's application for leave to proceed *in forma pauperis* (D.E. 2) be denied and that this lawsuit be dismissed without prejudice. The Memorandum and Recommendation further recommended that plaintiff be permitted to move to reinstate the lawsuit, but only if the \$350.00 filing fee is paid simultaneously with the motion to reinstate. On July 16, 2007, plaintiff filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and plaintiff's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that plaintiff's application for leave to proceed *in forma pauperis* (D.E. 2) is denied and this lawsuit is dismissed without prejudice. The plaintiff is permitted to move to reinstate the lawsuit, but only if the \$350.00 filing fee is paid simultaneously with the motion to reinstate.

The clerk shall enter this order and provide a copy to all parties.

SIGNED this 18th day of July, 2007.


Janis Graham Jack
United States District Judge